

## II. REMARKS

1. Claims 1-52 remain in the application.
2. Applicant notes that this is the eighth non-final action for this application.
3. The present claims, if allowed, would not improperly extend the right to exclude granted in US 6,678,361 ("the '361 patent").

The subject matter of the present claims is not disclosed in the '361 patent and the '361 patent and the present claims do not claim common subject matter. In addition, none of the present claims are anticipated by, or are obvious over any of the '361 claims.

3.1 The Examiner now compares claim 1 of '361 to present claim 1. The comparison includes:

'361 claim 1	Present claim 1
activating a context for data transfer between the addressed mobile terminal and the support node and submitting capability information concerning the capabilities (CAP) of the addressed mobile terminal (MS) from said addressed mobile terminal to said multimedia messaging service center (MMSC) with Protocol Data Units (PDU), the capability information being capable of indicating codecs supported by said terminal;	storing information on at least one property of the wireless terminal in the server;

Applicants disagree. In '361 claim 1, capability information including codes supported by the terminal is sent from the terminal to the MMSC. There is nothing in present claim 1 related to such information being sent from the terminal. Furthermore, present claim 1 states that information on at least one property is stored in the server. There is nothing

in '361 claim 1 related to storing such information. Still further, in '361 claim 1 the capabilities information is received from the addressed mobile terminal when a context for data transfer is activated. In present claim 1, property information is stored in the server i.e. there is no requirement that the wireless terminal transmit this information when a connection is established between the wireless terminal and the server.


For these reasons, the present claims are not directed to the same invention and are not drawn to identical subject matter as the '361 claims.

Applicant respectfully requests withdrawal of the double patenting rejection.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


  
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